

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
NELSON PENA,

20-CV-7039 (JPO)

Plaintiff,

-against-

220 EAST 197 REALTY, LLC and
63 WEST LLC

Defendants.

-----X
**DECLARATION
OF SAUL BIENENFELD**

SAUL BIENENFELD, hereby declares, under penalties of perjury, as follows:

1. I am counsel to Defendant 220 East 197 Realty, LLC, and 63 West LLC. I am fully familiar with the facts set forth herein. I submit this Declaration in Support of Defendants' motion to dismiss the complaint, and compel arbitration.

2. Annexed hereto and incorporated herein as **Defendants' Exhibit B** is a copy of the Confidentiality, Post-Employment, and Alternative Dispute Resolution Agreement signed by Plaintiff and Defendant 220 East 197 Realty LLC, dated January 28, 2013.

3. Annexed hereto and incorporated herein as **Defendants' Exhibit C** is a copy of the general release signed by Plaintiff on August 8, 2016.

4. Annexed hereto and incorporated herein as **Defendants' Exhibit D** is a copy the collective bargaining agreement entered between Defendant 63 West LLC and Local 1931, Eastern States Joint Board, International Union of Allied, Novelty and Production Workers ("the Union"), covering the period of June 1, 2019 to May 31, 2022.

5. Annexed hereto and incorporated herein as **Defendants' Exhibit E** is a copy of the Dispute Resolution Agreement signed by Plaintiff and Defendant 63 West LLC, dated June 8, 2020.

6. I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, NY
October 26, 2020



SAUL BIENENFELD